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James F. McBride 43,784
Name of Attorney/Agent Registration No.

Signature of Attorney



IN THE UNITED STATES PATENT & TRADEMARK OFFICE
RESPONSE/AMENDMENT

Mail Stop Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an AMENDMENT for the patent application:

Application No. : 10/089,335
Applicant(s) : Foley et al.
Filed : October 3, 2002
Title : Detergent Compositions with Perfume Complexes to Mask
Malodars
TC/A.U. : 1751
Examiner : Dr. John R. Hardee
Conf. No. : 1442
Docket No. : 7806
Customer No. : 27752

1. ☒ No additional fees (claims fees or extension fees) are known to be required.
2. ☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA*	RATE	FEE
TOTAL	*	MINUS	**	=	x \$18 =	\$
INDEP.	*	MINUS	***	=	x \$86 =	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$290 =	\$
					TOTAL	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the highest number of total claims previously paid for is less than 20, write "20" in this space.

*** If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

3. ☐ The Commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action dated in the above-identified application to preserve pendency of said application. The processing fee under 37 CFR §1.17 has been determined as follows: \$ for a -month extension of time.
4. The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-2480. A duplicate copy of this sheet is attached.
 - a. ☒ Any patent application processing fees under 37 CFR §1.16.
 - b. ☒ Any patent application processing fees under 37 CFR §1.17.
5. The Director is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 16-2480.

James F. McBride
Attorney or Agent for Applicant(s)
Registration No. 43,784
Tel. No. (513) 627-0079

Date: July 2, 2004
Customer No. 27752
(Transamd.doc - last revised 4/30/2004)

Appl. No. 10/089,335
Atty. Docket No. 7806
Response. Dated July 02, 2004
Reply to Office Action of June 15, 2004
Customer No. 27752



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James F. McBride 43,784
Name of Attorney/Agent Registration No.
Signature of Attorney or Agent

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RESPONSE AND ELECTION WITH TRAVERSE

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY REMARKS

In response to the Restriction Requirement of June 15, 2004, the time for response being extended by (0) zero months, please reconsider such application in view of the following amendments and remarks.

RESTRICTION REQUIREMENT

I. Election With Traverse

The June 15, 2004, Restriction Requirement under 35 U.S.C. 121 and 372 requires Applicants to select one group from the following groups for prosecution:

Group I, Claims 1-28 drawn to compositions comprising cyclodextrins.

Group II, Claims 1-28, drawn to compositions which do not comprise cyclodextrins.

Group III, Claim 29, drawn to a method of making a composition.

The proffered basis for such requirement is that the inventions of Groups I-III are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Applicants elect Group I, Claims 1-28 drawn to compositions comprising cyclodextrins, with traverse.

II. Basis For Traverse

The Examiner contends that Groups I -III are not so linked as to form a single general inventive concept. Applicants traverse such contention for the following reasons:

According to PCT Rule 13.2 and PCT Administrative Instructions, Annex B, Part 2(I) Example 1, unity of invention exists when there is a technical relationship among the inventions involving one or more of the same or corresponding special technical features. Claim 1 of the present application reads as follows:

1. A liquid detergent composition, said composition comprising:
 - a) an anionic surfactant
 - b) a solvent; and
 - c) fragrance materials , wherein a first portion of the fragrance materials are complexed with a complexing agent an a second portion are uncomplexed.

It is clear that Claim 1 requires that the claimed composition comprise a first portion of fragrance materials that are complexed with a complexing agent. Claims 2-28 depend directly or indirectly from Claims 1 thus such claims contain all the limitations of Claim 1. As a result, the compositions of Claims 2-28 must comprise a first portion of fragrance materials that are complexed with a complexing agent - cyclodextrin is merely one type of complexing agent. Furthermore, Claim 29 recites the limitation of "forming a complexing mixture of

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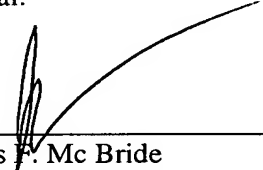
fragrance materials". Thus, Claims 1-29 are, at a minimum, linked by the inventive concept (one special technical feature) of using fragrance materials that are complexed with a complexing agent. Thus, pursuant to PCT Rule 13.2 and PCT Administrative Instructions, Annex B, Part 2(I) Example 1, unity exists between Claims 1-29 and such claims are not properly subject to the aforementioned election requirement.

CONCLUSIONS

In view of the remarks presented herein, Applicants respectfully request that the restriction requirement be withdrawn and Claims 1-29 be allowed. In the event there are remaining issues, the Examiner is invited to call Applicant's undersigned attorney to discuss such issues.

Respectfully submitted,
Foley et al.

By



James F. Mc Bride
Attorney for Applicant(s)
Registration No. 43,784
(513) 627-0079

July 2, 2004
Customer No. 27752
(Amend.-Resp. to OA 07022003)